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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yonah Schmeidler, Derek Atkins, Mark W. Elchin and David J. Rostcheck

Title: METHOD AND APPARATUS FOR SECURE CONTENT DELIVERY OVER BROADBAND ACCESS NETWORK

Examiner: Not yet assigned

Serial No.: 09/310,294

Filed: May 12, 1999

Art Unit: Not yet assigned

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JUL 12 2001

Technology Center 2100

PETITION TO MAKE SPECIAL
37 CFR §1.102

Commissioner for Patents
Washington, DC 20231

Sir:

This petition seeks to Make Special the above identified application and requests that the subject application be advanced out of turn for examination.

The basis for the petition is that a third party is actually infringing the pending claims of the application. (MPEP 708.02)

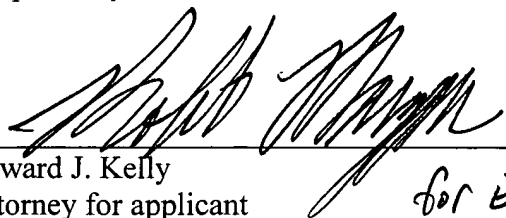
Enclosed is a verified statement by the assignee alleging,

- (1) That there is an infringing product actually on the market and in use;
- (2) That a rigid comparison of the alleged infringing product with the claims of the application has been made, and that, in assignee's opinion, some of the claims are unquestionably infringed;
- (3) That the assignee has made or caused to be made a careful and thorough search of the prior art; and
- (4) That the assignee believes claims in the application as on file are allowable.

Accordingly, petitioner requests that the subject application be advanced out of turn for examination.

The Commissioner is hereby authorized to charge Deposit Account 18-1945 in the amount of \$130.00 pursuant to 37 CFR §1.117(i) for the Petition Fee. Please charge any deficiency or credit any overpayment to deposit account 18-1945.

Respectfully submitted,

 43,852
Dated: 7/6/01
Edward J. Kelly
Attorney for applicant
Registration No. 38,936
for EJK



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yonah Schmeidler, Derek Atkins, Mark W. Elchin and David J. Rostcheck

Title: METHOD AND APPARATUS FOR SECURE CONTENT DELIVERY OVER
BROADBAND ACCESS NETWORK

Examiner: Not yet assigned

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VERIFIED STATEMENT OF INTO NETWORKS IN SUPPORT OF
PETITION TO MAKE SPECIAL 37 CFR §1.102

Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned Assignee, hereby states that to the best of its knowledge and belief,

- (1) That based on the claims in the application, there is an infringing product actually on the market and in use;
- (2) That the assignee has made a rigid comparison of the alleged infringing product to the claims of the application, and, in our opinion, some of the claims are unquestionably infringed;
- (3) That we have asked our attorney to perform a careful and thorough search of the prior art and we have a good knowledge of the pertinent prior art; and
- (4) That we believe claims in the application as on file are allowable.

Based on the foregoing, and to the best of my information and belief, there is actual infringement of the pending claims of the above identified patent application.

VERIFICATION

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or document or any patent or trademark registration issuing thereon.

Respectfully submitted,
by

Joe Cronan DATED: 7/3/01



2131 ✓
Customer Number 28120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Schmeidler et al.

Serial No: 09/310,294

Filed: May 12, 1999

For: METHOD AND APPARATUS FOR
SECURE CONTENT DELIVERY
OVER BROADBAND ACCESS
NETWORK

Attorney Docket No. ARIM-P01-001

Art Unit: Not Assigned

Examiner: Not Assigned

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Commissioner for Patents
Washington, DC 20231

TRANSMITTAL LETTER

Dear Sir:

Enclosed for filing are the following:

1. Petition to Make Special Under 37 C.F.R. § 1.102 (2 pgs.);
2. Verified Statement of INTO NETWORKS in Support of Petition to Make Special Under 37 C.F.R. § 1.102 (2 pgs.); and
3. Return Postcard.

The undersigned authorizes charging the Petition Fee of \$130.00 and any additional fees and crediting of any overpayment associated with this transmission to our **Deposit Account No. 18-1945**.

The undersigned requests any extensions of time necessary to respond.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231 on:

July 6, 2001

Date

Maureen Prestia
Maureen Prestia

Respectfully submitted,

Ropes & Gray

Edward J. Kelly 42,852
Edward J. Kelly, Reg. No. 38,936 for EJK

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